

NOV 07 2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

JULIA C. DUDLEY, CLERK  
BY: *H. McDonald*  
DEPUTY CLERK

TRAVIS DALE COULSON,	)	Civil Action No. 7:17-cv-00264
Plaintiff,	)	
	)	
v.	)	<u>MEMORANDUM OPINION</u>
	)	
J. B. GARDNER, <u>et al.</u> ,	)	By: Hon. Jackson L. Kiser
Defendants.	)	Senior United States District Judge

Travis Dale Coulson, a Virginia prisoner proceeding pro se, filed a civil rights action pursuant to 42 U.S.C. § 1983. On September 29, 2017, the defendants filed a motion to dismiss. On the next business day, the Clerk issued a Notice that advised Plaintiff that the motion to dismiss was filed on September 29, 2017, and that Plaintiff had twenty-one days from the Notice to file a response. The Notice further advised:

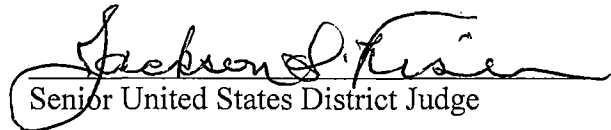
If Plaintiff does not respond . . . , the Court will assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states. . . . If Plaintiff wishes to continue with the case, it is necessary that Plaintiff respond in an appropriate fashion . . . . However, if Plaintiff does not file some response within the twenty-one (21) day period, the Court may dismiss the case for failure to prosecute.

Notice (ECF No. 17) (original emphasis).

Plaintiff did not respond to the Notice or the motion to dismiss, and the Notice was not returned to the court as undeliverable. Pursuant to the Notice entered on October 2, 2017, I find that Plaintiff has failed to prosecute this case. Accordingly, the complaint is dismissed without prejudice for Plaintiff's failure to prosecute, pursuant to Fed. R. Civ. P. 41(b), and all pending motions are denied without prejudice as moot. See Link v. Wabash R.R. Co., 370 U.S. 626, 630-31 (1962) ("The authority of a court to dismiss sua sponte for lack of prosecution has generally been considered an 'inherent power,' . . . necessarily vested in courts to manage their own affairs

so as to achieve the orderly and expeditious disposition of cases.”).

ENTER: This 7<sup>th</sup> day of November, 2017.

  
Senior United States District Judge